

HARDY L. THOMAS,)	Case No. 2:14-cv-00694
)	
Plaintiff)	
)	
v.)	PROTECTIVE ORDER
)	CONCERNING CONFIDENTIAL
)	INFORMATION
SOUTH PARK MOTOR LINES, INC., a)	
Foreign Corporation, dba CAST)	
TRANSPORTATION; DOES I-X, and)	
ROE Corporations I-X,)	
)	
Defendants.)	
)	

1. This Protective Order shall apply to all documents, materials, and information, including without limitation, documents produced, answers to interrogatories, responses to requests for admission, deposition testimony, and other information disclosed pursuant to the disclosure or discovery duties created by the Federal Rules of Civil Procedure.

3. Information designated “CONFIDENTIAL” shall be information that is confidential and implicates common law and statutory privacy interests of current or former CAST Transportation employees including personnel or personnel-related documents or internal memoranda, medical information, or of CAST Transportation including confidential

1 business, financial and tax information and trade secrets. CONFIDENTIAL information shall
2 not be disclosed or used for any purpose except the preparation and trial of this case.

3 4. CONFIDENTIAL documents, materials, and/or information (collectively
4 “CONFIDENTIAL information”) shall not, without the consent of the party producing it or
5 further Order of the Court, be disclosed except that such information may be disclosed to:

6 (a) attorneys actively working on this case;

7 (b) persons regularly employed or associated with the attorneys actively working
8 on the case whose assistance is required by said attorneys in the preparation for trial,
9 at trial, or at other proceedings in this case;

10 (c) the parties, including designated representatives for the Defendant;

11 (d) expert witnesses and consultants retained in connection with this proceeding,
12 to the extent such disclosure is necessary for preparation, trial or other proceedings in
13 this case;

14 (e) the Court and its employees (“Court Personnel”);

15 (f) stenographic reporters who are engaged in proceedings necessarily incident to
16 the conduct of this action;

17 (g) deponents, witnesses, or potential witnesses; and

18 (h) other persons by written agreement of the parties.

19 5. Prior to disclosing any CONFIDENTIAL information to any person listed
20 above (other than counsel, persons employed by counsel, Court Personnel and stenographic
21 reporters), counsel shall provide such person with a copy of this Protective Order and obtain
22 from such person a written acknowledgment stating that he or she has read this Protective
23 Order and agrees to be bound by its provisions. All such acknowledgments shall be retained
24 by counsel and shall be subject to in camera review by the Court if good cause for review is
25 demonstrated by opposing counsel.

1 6. Documents are designated as CONFIDENTIAL by placing or affixing on
2 them (in a manner that will not interfere with their legibility) the following or other
3 appropriate notice: "CONFIDENTIAL." Whenever a deposition involves the disclosure of
4 CONFIDENTIAL information, the deposition or portions thereof shall be designated as
5 CONFIDENTIAL and shall be subject to the provisions of this Protective Order. Such
6 designation shall be made on the record during the deposition whenever possible, but a party
7 may designate portions of depositions as CONFIDENTIAL after transcription, provided
8 written notice of the designation is promptly given to all counsel of record within thirty (30)
9 days after notice by the court reporter of the completion of the transcript.

10 7. The parties shall have thirty (30) days from the date that this Protective Order
11 is entered by the Court to designate previously-produced materials as "Confidential
12 Discovery Material." In such event, a party objecting to the designation of confidentiality
13 shall proceed as set forth in paragraph 8.

14 8. A party may object to the designation of particular CONFIDENTIAL
15 information by giving written notice to the party designating the disputed information. The
16 written notice shall identify the information to which the objection is made. If the parties
17 cannot resolve the objection within ten (10) business days after the time the notice is
18 received, it shall be the obligation of the party designating the information as
19 CONFIDENTIAL to file an appropriate motion requesting that the Court determine whether
20 the disputed information should be subject to the terms of this Protective Order. If such a
21 motion is timely filed, the disputed information shall be treated as CONFIDENTIAL under
22 the terms of this Protective Order until the Court rules on the motion. If the designating party
23 fails to file such a motion within the prescribed time, the disputed information shall lose its
24 designation as CONFIDENTIAL and shall not thereafter be treated as C ONFIDENTIAL
25 in accordance with this Protective Order. In connection with a motion filed under this
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1 provision, the party designating the information as CONFIDENTIAL shall bear the burden of
2 establishing that good cause exists for the disputed information to be treated as
3 CONFIDENTIAL.

4 9. At the conclusion of this case, unless other arrangements are agreed upon,
5 each document and all copies thereof which have been designated as CONFIDENTIAL shall
6 be returned to the party that designated it CONFIDENTIAL, or the parties may elect to
7 destroy CONFIDENTIAL documents. Where the parties agree to destroy CONFIDENTIAL
8 documents, the destroying party shall provide all parties with an affidavit confirming the
9 destruction.

10 10. This Protective Order may be modified by the Court at any time for good
11 cause shown following notice to all parties and an opportunity for them to be heard.

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13 IT IS SO ORDERED:

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16 UNITED STATES MAGISTRATE JUDGE

17 Dated: October 17, 2014
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